

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on January 16, 2020 beginning at 1:00 p.m. in the Brenham City Hall, City Council Chambers, at 200 W. Vulcan Street, Brenham, Texas.

Members present:

Mayor Milton Y. Tate, Jr.
Mayor Pro Tem Andrew Ebel
Councilmember Susan Cantey
Councilmember Adonna Saunders
Councilmember Keith Herring
Councilmember Albert Wright
Councilmember Clint Kolby

Members absent:

None

Others present:

City Manager James Fisher, City Attorney Cary Bovey, City Secretary – Director of Administrative Services Jeana Bellinger, Deputy City Secretary I Kacey Weiss, Deputy City Secretary II Karen Stack, Assistant City Manager – Chief Financial Officer Carolyn Miller, Comptroller Stacy Hardy, Human Resources Director Susan Nienstedt, Strategic Budget Analyst Debbie Gaffey, Rhonda Kuehn, Crystal Locke, Melinda Gordon, Tammy Jaster, Fire Chief Ricky Boeker, Assistant Fire Chief Brian Scheffer, Fire Marshal Roger Williams, Lloyd Powell, Public Works Director Dane Rau, Casey Redman, Assistant City Manager of Public Services and Utilities Donald Reese, Alton Sommerfield, Amber Ortega, Development Services Director Stephanie Doland, Shauna Laauwe, Economic Development Director Susan Cates, Dwayne Grayson, Elisette Mariscal, Joshua Sebastian, Justin Schroeder, Brett Church, Christi Korth, Angeline Howard, Carrie Derkowski, JoAnne Hynes, Kevin Boggus, Stephen Draehn, Nancy Stafford, Amber Ortega, Shelley Addison, Leah Rogers, Courtney Dudenhoeffer, Desirae Mendoza, Billy Bender, Jason Lange, Steven Eilert, Mark Pierce, Norma Rodriguez, Kenneth McGehee, Tiwana Brown, Brett Schroeder, Luke Ongudu and Daniel McCracken

Citizens present:

Pierre Roberts, Erich Glenewinkel, Dwayne Gajewski, Ben Seeker, Barb Lapierro, Ryan Egan, Pat Gruner, Robert G. Wright, Lowell Ogle, Randy Hodde, Don Holley and Terry Stanley

Media Present:

Alyssa Faykus, Brenham Banner Press; and Josh Blaschke, KWHI

1. **Call Meeting to Order**
2. **Invocation and Pledges to the US and Texas Flags – Councilmember Cantey**
3. **Special Presentation**
 - **Washington County Veterans Association**

4. **Special Recognition**

Retirement

- **Rhonda Kuehn, Municipal Court 23 Years**

5. **Service Recognitions**

- **Dwayne Grayson, Maintenance 5 Years**
- **Elisette Mariscal, Utility Billing 5 Years**
- **Jordan Prigge, Public Utilities 10 Years**
- **Joshua Sebastian, Fire 10 Years**
- **Justin Schroeder, Fire 10 Years**
- **Brett Church, Electric 25 Years**

6. **Citizens Comments**

City Manager James Fisher introduced the new Assistant City Manager of Public Services and Utilities, Donald Reese

There were no citizen comments.

CONSENT AGENDA

7. **Statutory Consent Agenda**

- 7-a. **Minutes from the December 5, 2019 Special City Council Meeting and December 5, 2019 Regular City Council Meeting**
- 7-b. **Ordinance No. O-20-001 on Its Second Reading Authorizing the Placement of Stop Signs on Cantey Street at Its Intersection with Gun and Rod Road**

7-c. Approve a Noise Variance from Margaret Crowson for a Wedding Reception to be Held on February 8, 2020 from 7:00 p.m. – 8:00 p.m. in Alamo Alley and Authorize the Mayor to Execute Any Necessary Documentation

7-d. Approve the Final Payment to Solid Bridge Construction for Project No. 2017-02 Related to the 2017 Wastewater Treatment Plant Storm Damage Repairs and Authorize the Mayor to Execute Any Necessary Documentation

A motion was made by Councilmember Cantey and seconded by Councilmember Herring to approve the Statutory Consent Agenda Items 7-a. through 7-d. as presented.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Adonna Saunders	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

PUBLIC HEARING AND ASSOCIATED ACTION ITEM

- 8. Public Hearing, Discussion and Possibly Act Upon an Ordinance on Its First Reading Amending the Official Zoning Map of the City of Brenham, to Change the Zoning District from a Combination of Residential District (R-1) and Commercial, Research and Technology District (B-2) to a Planned Development District (PDD) on Approximately 76.9 Acres of Land Located East of the Intersection of State Highway 36 and W. Blue Bell Road (aka FM 577), Being Further Described as a Portion of Tract 35 of the Phillip Coe Survey, A-31, and a Portion of Tract 219 and Tract 278 of the A. Harrington Survey, A-55, in Brenham, Washington County, Texas (Case Number P-19-046)**

Mayor Tate opened the Public Hearing.

Development Services Director Stephanie Doland presented this item. Doland explained that the applicant, Philip Bargas on behalf of DR Horton homebuilders, is requesting the 76.9-acre be rezoned to Planned Development District for the development of a single-family home subdivision. Doland stated that the applicants are requesting the rezoning to a PD district in order to establish alternative standards to the City's typical zoning and subdivision development standards. Doland advised that the proposed PD, to be named Liberty Village PD, would establish the underlying base zoning district as Residential (R-1) for the construction of single-family dwellings.

Doland noted that the proposed rezoning request is in accordance with the future land use map adopted in Historic Past, Bold Future: Plan 2040, the City of Brenham Comprehensive Plan which suggests that Residential uses are appropriate at this location.

Doland explained that no public comments concerning this proposed rezoning were received prior to the Planning and Zoning Commission meeting, or during the Public Hearing for this item. Doland noted that staff did receive support from BISD Superintendent Dr. Jackson.

Councilmember Cantey asked about requirements for garages. Doland stated that all garages would meet the city standards.

There were no citizen comments.

Mayor Tate closed the Public Hearing.

A motion was made by Councilmember Cantey and seconded by Councilmember Saunders to approve an Ordinance on its first reading amending the Official Zoning Map of the City of Brenham, to Change the Zoning District from a Combination of Residential District (R-1) and Commercial, Research and Technology District (B-2) to a Planned Development District (PDD) on approximately 76.9 acres of land located East of the intersection of State Highway 36 and W. Blue Bell Road (aka FM 577), being further described as a Portion of Tract 35 of the Phillip Coe Survey, A-31, and a Portion of Tract 219 and Tract 278 of the A. Harrington Survey, A-55, in Brenham, Washington County, Texas (Case Number P-19-046).

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Adonna Saunders	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Abstain

REGULAR SESSION

- 9. Discuss and Possibly Act Upon Approval of an Ordinance of the City of Brenham, Texas, Authorizing the Issuance and Sale of City of Brenham, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2020; Levying a Tax in Payment Thereof; Authorizing the Execution and Delivery of a Purchase Agreement and a Paying Agent/Registrar Agreement; Approving the Official Statement; and Enacting Other Provisions Relating Thereto**

Assistant City Manager – Chief Financial Officer Carolyn Miller presented this item and introduced the City’s Financial Advisor, Jennifer Ritter of Specialized Public Finance. Miller stated that the City Council approved Resolution No. R-19-036 on November 21, 2019 giving notice of intention to issue Certificates of Obligation.

Miller explained that he proceeds from the sale of these Certificates of Obligation in the amount not to exceed \$5.695 million will be used for the following purposes: (a) (i) renovation of and improvements to the City’s water and wastewater utility systems and facilities; (ii) construction of street and drainage improvements and the acquisition of land and rights-of-ways in connection therewith; and (iii) professional services of attorneys, engineers, financial advisors and other professionals in connection with the Project; and (b) to pay the costs associated with the issuance of the Certificates.

Ritter stated that the City was able to get a fixed interest rate of 2.01% over a twenty-year period.

A motion was made by Councilmember Herring and seconded by Councilmember Saunders to approve an Ordinance of the City of Brenham, Texas, authorizing the issuance and sale of City of Brenham, Texas, Certificates of Obligation, Series 2020.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Adonna Saunders	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

10. Discuss and Possibly Act Upon Change Order No. 1, Change Order No. 2 and Final Payment to M&C Fonseca Construction for the 2018 Downtown Drainage and Sidewalk Project and Authorize the Mayor to Execute Any Necessary Documentation

Public Works Director Dane Rau presented this item. Rau explained that on March 7, 2019 Council awarded the Downtown Drainage and Streetscape work to M&C Fonseca Construction related to Park Street and Church Street. Rau stated that the value of the contract was \$368,776.25, and the majority of the funding for this project came from 2017 Certificates of Obligation with \$150,000 coming from the Brenham Community Development Corporation (BCDC). Rau advised that during the course of the work staff did experience two change orders, which were approved by staff at the time to move the project forward and complete the work.

A motion was made by Councilmember Saunders and seconded by Councilmember Cantey to approve Change Order No. 1, Change Order No. 2 and Final Payment to M&C Fonseca Construction in the amount of \$39,010.31 for the 2018 Downtown Drainage and Sidewalk Project and authorize the Mayor to execute any necessary documentation.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Adonna Saunders	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

11. Discuss and Possibly Act Upon the Purchase and Installation of a Splashpad for Henderson Park Using BuyBoard Contract No. 592-19 and Authorize the Mayor to Execute Any Necessary Documentation

Public Works Director Dane Rau presented this item. Rau explained that during the 2019-20 Brenham Community Development Corporation (BCDC) funding meeting, funds were allocated to purchase and install a splashpad at one of the city parks. Rau noted that this was also earmarked for 2020 in the Open Spaces Parks Master Plan. Rau stated that the location, which was determined by staff and the Parks Board with community input, would be Henderson Park. Rau explained that other amenities such as the extension of sidewalks, shade covers, and restrooms would be phased in over the next several years.

Rau advised that as soon as the award has been made, a purchase order would be issued, and a schedule of equipment and install would be arranged. Rau explained that all indications are that when ordered in early February, equipment would arrive in early April and construction would begin with a completion time period of mid- May.

Councilmember Cantey asked whether the water used in the splashpad would be recycled. Rau explained that the Parks Board did research and had discussion on this issue. Rau noted that for health reasons, a recirculation system would require daily maintenance and chemical treatment by a qualified technician, like a pool. Rau stated that the Parks Board determined a pass-through system was the best option at this time, but also noted that in the future the City may be able to find ways to recycle the water for other Parks uses.

A motion was made by Councilmember Cantey and seconded by Councilmember Saunders to approve the purchase and installation of a Splashpad to Vortex, subject to final review by the City Manager, Mayor and City Attorney, in the amount of \$250,407.75 for Henderson Park using BuyBoard Contract No. 592-19 and authorize the Mayor to execute any necessary documentation.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Adonna Saunders	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

12. Discuss and Possibly Act Upon Resolution No. R-20-001 Approving an Advance Funding Agreement Between the City of Brenham and the Texas Department of Transportation (TxDOT) for Road Improvements at the Intersection of Chappell Hill Street and U. S. Highway 290 Feeder

Public Works Director Dane Rau presented this item. Rau explained that with the expansion of development near the intersection of Chappell Hill Street and U.S. Highway 290 Feeder, it is of the utmost importance to be proactive and plan for the future by enhancing this intersection and making it a controlled intersection. Rau stated that by partnering with the Texas Department of Transportation (TxDOT) and entering into an advanced funding agreement, this would dramatically enhance the intersection by adding 4 signal lights, along with adding additional lanes under the U.S. Highway 290 overpass that would be dedicated turn lanes. Rau advised that there would also be pavement improvements that would better align this intersection with the new development and provide a safer means of entering and exiting the site.

Rau explained that the total cost of this project is expected to be \$633,582. Rau stated that the advanced funding agreement outlines the responsibility of each party with the City being responsible for the engineering costs valued at \$82,000. Rau advised that the City has planned for expenditures related to this enhancement and staff believes that this is a great partnership and enhancement that would benefit all. Rau noted that TxDOT would be responsible for all construction costs and selecting a contractor for the planned work.

A motion was made by Councilmember Herring and seconded by Councilmember Kolby to approve Resolution No. R-20-001 approving an Advance Funding Agreement between the City of Brenham and the Texas Department of Transportation (TxDOT) for road improvements at the intersection of Chappell Hill Street and U. S. Highway 290 Feeder.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Adonna Saunders	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

13. Discuss and Possibly Act Upon Resolution No. R-20-002 Adopting a New Fee Schedule for the City of Brenham Parks and Recreation Department

Community Services Specialist Crystal Locke presented this item. Locke stated that the City publishes an annual Parks and Recreation Guide for residents as a reference for the City's recreational offerings. Locke explained that at the November 13, 2019 Parks and Recreation Advisory Board meeting, staff reviewed the current Parks and Recreation rate schedule with the Board and presented an increase in the fall/spring competition pool inflatable rentals starting at \$75-\$150; last year's rate started at \$50. Locke advised that rates were discussed and approved by the Parks and Recreation Advisory Board.

A motion was made by Councilmember Herring and seconded by Mayor Pro Tem Ebel to approve Resolution No. R-20-002, with revisions provided by the City Attorney, adopting a new fee schedule for the City of Brenham Parks and Recreation Department.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Adonna Saunders	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

14. Discuss and Possibly Act Upon Resolution No. R-20-003 Authorizing the Submission of a Grant Application to Texas Parks and Wildlife Department for the Recreational Trail Grant Program for Improvements to the Nature Trail at Hohlt Park

Community Services Specialist Crystal Locke presented this item. Locke explained that Council adopted the 2015-2025 Parks, Recreation and Open Spaces Master Plan in March 2015. Locked stated that the Action Plan and Prioritization of Needs, located in Chapter 7, includes three categories, (1) Park Development, (2) Facilities, and (3) Trails. Locke stated that

enhancing the Hohlt Park Nature Trail was identified as priority #2 on the Park and Recreation Trails Action Plan with a timeframe of 2018-2020 for implementation and consideration of the task. Locke advised that the Brenham Community Development Corporation allocated \$40,000 in FY19 for improvements to the Nature Trail. Locke explained that staff contracted with The Land Design Group Inc. who put together a preliminary layout, bid sheet, and trail specs with construction cost estimates of \$85,539.98 in project costs.

Locke noted that the Texas Parks and Wildlife Department (TPWD) administers the Texas Recreational Trails Fund (TRTF) under the approval of the Federal Highway Administration (FHWA). Locke stated that funds can be spent on recreational trail projects such as the construction of new recreational trails, to improve existing trails, to develop trailheads or trailside facilities, and to acquire trail corridors. Locke advised that this program provides up to eighty (80) percent of project cost on a reimbursement basis to eligible applicants and the grant ceiling is \$200,000.

A motion was made by Councilmember Saunders and seconded by Councilmember Wright to approve Resolution No. R-20-003 authorizing the submission of a grant application to Texas Parks and Wildlife Department for the Recreational Trail Grant Program for Improvements to the Nature Trail at Hohlt Park.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Adonna Saunders	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

15. Discuss and Possibly Act Upon a Notice of Termination Related to the Commercial Sanitation Contract Between the City of Brenham and Frontier Access, LLC and Authorize the Mayor to Execute Any Necessary Documentation

City Manager James Fisher presented this item. Fisher explained that at the December 19, 2019 meeting, the City Council authorized staff to begin contract negotiations with Brannon Industrial Group (BIG) for the provision of municipal solid waste collection, transfer, removal, disposal and recycling services to the City. Fisher stated that the next step in the process of moving forward with the sanitation contract, is to provide 90-day notice of termination to the city's current provider of commercial sanitation services, Frontier Access, LLC.

Fisher advised that the City entered into a contract with Frontier Access in March 2016, and in accordance with the contract, written notice of termination must be provided not less than ninety (90) days prior to the chosen termination date. Fisher explained that if Council is in favor

of providing this notice of termination in preparation for all commercial sanitation services to be provided by BIG, it is staff's intention to notify Frontier of a May 4, 2020 termination date.

A motion was made by Councilmember Cantey and seconded by Mayor Pro Tem Ebel to approve a Notice of Termination related to the Commercial Sanitation contract between the City of Brenham and Frontier Access, LLC and authorize the Mayor to execute any necessary documentation.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Adonna Saunders	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

16. Administrative/Elected Officials Report

City Manager James Fisher reported on the following:

- City Hall will be closed January 20th for the Martin Luther King Holiday
- The Tourism Partner Awards Reception will be January 22nd
- The Washington County Chamber of Commerce Banquet will be January 28th
- FY2019-20 budget books were placed around the dais

Council adjourned into Executive Session at 2:28 p.m.

EXECUTIVE SESSION

17. Sections 551.071 and 551.072 – Texas Government Code – Consultation with Attorney and Deliberation Regarding Real Property – Consultation with the City Attorney and Discussion Regarding the Termination of an Agreement with Roy Burger (dba RB Film Productions) for the Lease of Approximately 108.9 Acres of the Old Landfill Property

18. Section 551.074 – Texas Government Code – Deliberation Regarding Personnel Matters – Discussion Regarding the Appointment of a Brenham Municipal Court Presiding Judge For the Remainder of the Term Ending on December 31, 2020

Executive Session adjourned at 2:48 p.m.

RE-OPEN REGULAR AGENDA

19. Discuss and Possibly Act Upon the Termination of an Agreement with Roy Burger (dba RB Film Productions) for the Lease of Approximately 108.9 Acres of the Old Landfill Property and Authorize the Mayor to Execute Any Necessary Documentation

A motion was made by Mayor Pro Tem Ebel and seconded by Councilmember Kolby to approve the termination of an agreement with Roy Burger (dba RB Film Productions) for the lease of approximately 108.9 acres of the Old Landfill Property and authorize the Mayor to execute any necessary documentation.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Adonna Saunders	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

20. Discuss and Possibly Act Upon the Appointment of a Brenham Municipal Court Presiding Judge For the Remainder of the Term Ending on December 31, 2020

A motion was made by Councilmember Kolby and seconded by Councilmember Saunders to appoint John Winkelmann as the Brenham Municipal Court Presiding Judge for the remainder of the term ending on December 31, 2020 to be paid \$27,000 per year, to be paid bi-weekly and to include a \$25.00 monthly telephone stipend.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Adonna Saunders	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

The meeting was adjourned.

Milton Y. Tate, Jr.

Mayor

Jeanne Bellinger, TRMC, CMC

City Secretary

